

The Land of the Free

The United States is supposed to be "the land of the free". There may have been a time in our history when this was considered true, but this is no longer the case. There are several factors which contribute to this; however, in my essay I will refer to the Criminal Justice System in the United States specifically as a major contributor to the lack of personal freedoms experienced by the American people.

As an incarcerated man, my opinion may be considered skewered or one sided; however, I have a first hand knowledge of this system from the inside out. My motives should not be questioned as this essay is not a contributor to my freedom or my confinement, but merely a statement of the system as I have encountered it firsthand. I do not draw any benefit by writing these things, I only aim to put out my personal thoughts, reflections, and opinions on this subject as someone who has lived through it and has seen it for what it is; an abject failure.

Incarceration can be a period of learning or a period of tremendous waste. This largely depends on the personality, mentality, and the means of the person incarcerated. Some gamble, succumb to addiction, join gangs, exercise and gain physical strength, study topics of interest, or mix a little bit of all of the above. Some can benefit from the copious amounts of free time, while others fall into despair. Personally, I have taken the down time of incarceration to further educate myself. I have a Bachelors Degree in Military Intelligence Studies and another in Agricultural Business. I am a Combat wounded veteran, Purple Heart recipient, and former US Marine Sergeant. I am well traveled and speak several languages. I have a decent basis to further educate myself. Many are not literate, have very little formal education, and the penal system is designed unrealistically in terms of educating these offenders to ever allow them to achieve anything of sustenance in the community upon release. The reality is, crime does pay. You will not be able to sell someone a 60 hour work week for minimum wage, while barely making it by in comparison.

While incarcerated I do not indulge in games or activities "just to pass my time". I utilize every moment of my time behind bars to better myself. I have learned to read and write both Russian and Hebrew as well as studied those languages vocabulary. I have taken a deep interest in philosophy and history.

I have read the works of Hobbs, Locke, Aristotle, Rosseau, Thomas Paine, Nietzsche, Trotsky, Tolstoy, Sigmund Freud, Fredrick Douglas, Adam Smith and many others. I have read the works on and by our nations forefathers. I have extensively studied our nations birth, westward expansion, Revolution, Civil War, and early American conflicts. I have studied slavery, politics, and everything America. I have studied issues from both sides of the fence. I have read books authored by both loyalist and by the revolutionaries in the American Revolution. Books written by voices from the North and the South in our Civil War. I have attempted to draw my own conclusions on my studies and not to accept the narrative as taught. One conclusion I have drawn from my studies is that what is occurring in our nation today, is NOT what was envisioned, designed, or fought for by our forefathers.

America was a radical experiment, the first of its kind in the world. It was to be a governed by the people and for the people; it was to be "The land of the free". John Locke, a major influencer on our nations forefathers, said "a Government was a necessary evil at best". This "necessary evil" was put in place to restrict people from harming one another, to prevent other nations from invading, and to protect the citizenry. It was never designed to be lord and master over us. Yet this is exactly what it has become. 'We the people' have become a nation that now begs permission of the Government for anything we do. We do this to a monster of our own creation.

Abortion, taxation, guns, religion, sexual orientation or gender identity, and drug legalization are some of the hot political issues of our day. Yet, the government is who we petition for these rights when we should have had them all along. When did the surrender of these rights occur? Was it a slow surrender, or a rapid one? We as citizens have handed the government many of our rights faster than any despot would ever dare to take them from us. As free citizens, why do we feel the need to beg a government for permissions; when their sole purpose was not to enslave or control us, but to keep us free? Why do we mass incarcerate people to feel safer, when in the process we render ourselves less safe? Benjamin Franklin once said "to sacrifice liberty in the name of security we deserve neither, liberty or security". This is exactly what has been done.

America incarcerates more people than any other nation on earth. Are American's as a people more criminally inclined than others? Are Chinese or Russian's less prone to criminal activity than their American counterparts? Does the harsh environment of their penal systems deter criminals more so than the American penal system; or do they not pursue petty offenses and incarcerate to the degree the American Justice Department does?

As we live our lives as free citizens no one cares about prisons, governmental overreach, police misconduct, courts, judges or prosecutors. If you become a victim you will almost certainly not be satisfied with the justice system. If you are arrested for a crime, you also will not be satisfied with the justice system; albeit for a different reason. If you realize that you may have a problem, you seek assistance to fix the problem, but despite all indications that the system is there to assist you to receive the help you need, be it criminal or victim, you learn rapidly that is not the case. The justice system is broken for all those involved in it, regardless of their perspective role.

Those who derive their income from this system, or who seek the accolades or perks of membership in the system, will never denounce it openly as to do so would be to commit career suicide. No king has ever dethroned himself. Nor will any lawman, lawmaker, judge or prosecutor admit they are working backwards. Instead they double down on what proves ineffective, costly, and wasteful. Despite crime figures sky rocketing they continue pushing forward to ensure their own self-sustainment. As a people we simply continue paying for something that doesn't work. Would we continue to pay electric bills if electricity stopped working? It is preposterous to ignore the issues that plague this nation's justice system, yet blindly contribute billions to continue its existence.

Once a citizen is placed in handcuffs it is too late for them to create reform; for they have now become voiceless. Many of those in the position to identify issues and bring about change are simply ignored as felons, criminals, and convicts who cannot be trusted. Yet, those who lie with impunity, take your tax dollars to continue the lie, and do not provide results are the "experts", whose voracity should never be questioned. The statistics speak louder than their lies, yet we still blindly contribute to the lie.

The Justice system in America is a cruel joke that everyone is in on; from law enforcement to prosecutors and judges to the criminal themselves. It is proven not to work. Yet like the very definition of insanity we repeat the same thing over and over expecting different results. There is a solution, yet no one will accept it or adopt it. Its "crazy" people will say. As if the mass incarceration of American citizens, policing the world at large to incarcerate other countries nationals, the destruction of families, and the theft of property (under the guise of asset forfeiture), is not "crazy" in itself. Despite the plethora of laws, the mass incarceration, the billions spent in the pursuit of "justice"; the American people are no safer today than they were yesterday. Maybe as a society we need to try something drastic, crazy, and new.

In the name of our "security" the United States Federal Government has began creating and enforcing laws that are easily enforced by local authorities. The Government has taken it upon itself to create a host of laws targeting "We the People" for conduct that is already deemed illegal at the local level. With dual sovereignty laws you can be prosecuted by both the state and the federal government for the same crime. This is NOT considered double jeopardy as state and federal courts are considered "two separate courts" and is not the "same court for the same crime". When that was written the federal government did not have a million laws and regulations on the books, but it is most certainly implied that one should not have to serve dual prison sentences for the same conduct. Many individuals receive several years in state prison for a crime, and on their release date as their family rejoices, US Marshals are waiting to reincarcerate them federally for the same crime they just finished serving their sentence for. How does this reduce crime? It most certainly keeps incarceration figures up, maintains employment for agents, judges, prosecutors, prison guards, and parole officers, while ensuring they receive a bigger budget each year; however, it does nothing to solve the underlying issues we seek to address.

What the United States Federal Government has created is a massive police state. It sweeps up millions of people into the system and destroys lives, liberty, and property. Yet, it does not lower crime rates, drug dependency, or violence. Agencies created in our times, that would never have been allowed to exist in past times proliferate. They often times pass their own "regulations", side stepping Congress and the legislative process in doing so.

Agencies with less than 5,000 Agents employ more than 20,000 informants. They say the job cannot be done without the use of informants. They sow division, discontent, and discord in the communities they "protect" and do not reduce crime by utilizing this tactic. Evidence derived in these cases is often time fabricated by the informants themselves, the system adopts these lies as truth, the prosecutors, often times merely in the pursuit of their own record and ego pushes these false narratives, and judges sentence for the same nefarious purposes. "Justice" has been served. Some of the worst and most egregious violators are often encouraged to become informants and cooperate claiming a want to "do the right thing", albeit for the first time in their lives, and making no mention of the giant benefit to them. This often times results in people side stepping their liability completely, allowing them to commit crimes with impunity. Many times informants encourage crime that was never intended in the first place, in order to get the reward and benefit for passing along this information to their law enforcement handler.

Prison is an incubator for narcissistic and sadist personalities to abuse and do so with impunity. This is true of both staff and inmate alike. Inside prison, the law is ignored. Human rights do not exist. No one listens to complaints or strives to fix anything. There is no incentive to do the job and no one to reprimand you when you don't. There is no correction in the Departments of Corrections. The recidivism rate speaks for itself. If you take the courses and programs offered by the facility you are supposedly "fixed", and rewarded by reduced time in prison. The programs are often times never even taught, the administrators toss you a packet, log you in as present, and go back to playing on their phones or watching tv in their offices. They benefit from a career and retirement. The pupil benefits by reduced prison time. The public loses because they pay for both and derived no benefit from the expense. Far less can accomplish far more if used properly.

No one is held accountable, criminal or official. I pose this question; why are governmental employees allowed to be unionized? Unions were created to prevent abuse by an employer and ensure worker protections. The very fact government employees feel the need to unionize shows the government is predatory and exploits people. This unionization also protects the worst of the worst of governmental employees from punishment and makes their firing a near impossible task.

The issue of "Sovereign" and "Qualified Immunity" must also be addressed. These immunities allow various government officials to be shielded from liability for crimes, rights violations, and misconduct simply because they are in a position of authority. If these immunities were dropped, the fear of punitive actions against officials would most certainly keep a greater check on misconduct and act as a deterrent. As the immunities currently stand right now, officers are shielded against misconduct simply because they wear a badge, despite being in the wrong. True justice can not be accomplished if those who are enforcing laws do not need to abide by them and fear no consequences when breaking them.

How do I propose we fix our crime issue? My answer is complex, different, and may be potentially shocking; however, I feel it will be effective than what we are currently experiencing now. First, we as a people need to identify the true root of the 'Crime' problem in America. What defines a crime is a large part of the problem. The United States Government, and many State and Local Government consider even the slightest transgression against one of their zillion rules to be a 'Crime'. For the violation of this 'crime' you can and shall be incarcerated, fined, or both. Even if there is no identifiable victim the government will step in and call itself the victim to ensure successful prosecution. Only through a complete overhaul of our nations laws, rules, regulations, and law enforcement can we create a successful society that enjoys a reduction of crime and better way of life.

If you choose not to wear a seatbelt, ultimately YOU choose to not wear one; this is a decision that effects only YOU. Yet, this is a "crime". If you are killed in an accident, you were well aware seatbelt saves lives, yet chose not to wear one. However, it has become the responsibility of the state to send a police officer, flipping what would otherwise be an unlawful U-Turn, doing 90MPH in a 45MPH zone to catch up to you, in order to write you a citation because you had the audacity to not care about your own life enough to wear a seatbelt. This "Crime" was stopped. You buckle up, drive off, and pay the courts several hundred dollars for the transgression of law. Many times officers wreck or cause accidents to chase a citation for just as frivolous a "crime". This expense and headache to the community is not worth the return on that pursuit.

If you choose to snort cocaine at a bachelor or bachelorette party with other responsible and consenting adults while celebrating one night, let the dealer who arrives to sell you this just so happen to be under investigation for his drug dealing. Even worse let the hand to hand transaction be observed by an officer of the law and you have bought 2 or 3 little baggies to share with friends. You will immediately be placed in handcuffs, taken to jail, charged with a crime of possession and because there was more than 1 baggie you are now intending to distribute as well. Drug dealer arrested, the headlines will read. Despite the lifetime of good deeds and lawful conduct the prosecutor will call you the scourge of society, a dreg on your community, a drug addicted pusher of poison to the community. Sound extreme? This is modern day America's Justice system. Until you are wrapped up in it and voiceless, it doesn't concern you. When your the one in handcuffs, its too late.

Millions of American's enjoy using drugs and do so responsibly. I am NOT personally one of them; however, if a consenting adult is seeking to buy a product, an enterprising individual will always be present to provide it. This is the most basic law of supply and demand. If crack was available in a supermarket, I would venture to say that 99% of American's would not buy it just because its available. Drugs are already widely available. Those who choose to use them do so freely. By *legalizing* narcotics there is no downside to 'we the people', yet their is a tremendous upside to the government.

During prohibition organized crime flourished. Do we see liquor store owners and bar owners shooting each other in the street today? Do Coors sales rep's bomb Heineken sales rep's vehicles along delivery routes? This was a regular part of life in America during prohibition. Drug violence is a regular part of life in America today. If legalized would narcotic stores (like today's liquor stores) or narcotics den's (like today's bars) be at war like the drug dealers of today, as their predecessors the bootleggers of yesterday were? I think not. I do think however, that through the enormous savings in revenue no longer needed to over-police society, incarcerate millions, and enforce a ridiculous plethora of laws that the proper utilization of that money would cause crime to be drastically reduced. This is not to mention the influx of tax revenue generated through lawful narcotic sales that could also be applied towards rehabilitation of those seeking it, or incarcerating those who in a drug fueled rage commit actual crimes with actual victims. Legalization will have no effect on this as there are people today committing crimes while drug fueled ^{and} ~~as~~ all that happens currently is the system is ALSO polluted with dozens of others, just for harmless use, sale, or possession of these products.

This legalization would create new wealth and opportunities as many who are currently unlawfully engaged in the business can go legit, placing their money in a bank account, paying taxes, and working towards bettering their families, lives, and communities in the process. Alcohol is a horrendous drug, a killer, no doubt. But its legal. Those who seek it find it. Those who wish to remain temperate have the right to do so. If you are killed by a drunk driver no one currently blames the manufacturer or liquor, or the vehicle manufacturer of the make and model they were driving. We as society properly place blame on the driver. Unfortunately we as a society have a habit in many cases to look past the individual offender and look at the object that cased the crime. In the above DWI death scenario we blame the driver. If a man shoots up a school or crowded public location, we look past the killer and place blame on the gun and bullet manufacturers. We need to hold PEOPLE accountable for their individual actions, not objects or substances.

If you took a substance that caused you to do something foolish or reckless, that caused harm than that INDIVIDUAL should have to pay. The mere possession of something, the use of something, the sale of something, should not be punished as it is today. If an actual crime occurs, and a victim created, this should unleash the full powers of the laws. Regarding the DWI example, the driver was negligent, irresponsible, careless, and if they caused loss of life or an accident should be held liable both civilly and criminally. The same should be true of future drug intoxicated offenders under this new narcotics law.

We as a society have a habit of looking past the offender and placing blame on an object in many cases, but not in others. We cannot coddle those who commit wrongs while placing blame on inanimate objects as their justification or excuse that lead to the violation. However, if there is NOT a direct victim we also need to stop calling things a crime. Drug possession, gun possession, drug sales, gun sales, gambling, prostitution, and the like should not be crimes. If someone is a drug addict, compulsive gambler, or armed to the teeth 24-7 this is not criminal. The second the drug addict or the compulsive gambler steals to support his addiction, or the armed individual kills someone, THAT is the crime. I understand all the made up crimes we have today may claim to prevent serious crimes from occurring, but it does not, and has proven so. Unless someone creates a victim they should not be considered to have committed any crime and just because they may potentially commit a crime in the future, should not be reason to incarcerate millions.

In the Courts, there should be no plea bargain for crimes causing death or irreparable harm (rape, molestation, sodomy, etc) regardless of the state of the individual who committed the crime. Drunk, high, mentally defective, and the like should be punished by death for any actual crime causing death or irreparable harm. This may sound extreme, but how many careless or depraved people who cause sexual violence or deaths would avoid the behavior if they knew the penalty was extreme? Of note, I am serving more time in prison for simple gun possession than some gang members serve in prison for murder or some child molester serves for raping children (THIS IS A SAD FACT). If actual crimes were punished to the extreme and non-crimes were treated as simple infractions, violations, or not illegal at all the crime problem would not get worse, it would get better. Arrest would plummet, those arrested would deserve the arrest, the jails would not be over crowded, the courts will not be backlogged, and true justice could be served as the full weight of the system would be behind convicting those who truly deserved it, the depraved and insane.

An impoverished drug addict could never pay back the proceeds of a burglary at a rich persons residence. Even if a Judge ordered 10 times the value of what was taken in restitution, this would be pointless as the street drug addict could never pay it back. A 10 year prison sentence for the theft however, would serve to clean up an addict, reform him, keep the streets actually safe in his absence, and satisfy the homeowner of his loss. Currently we incarcerate the drug dealer and everyone in the drug supply chain and whoever bought the merchandise; because this drug addict sought out drugs, took them, became addicted, and committed a robbery. In this scenario a total of 15 people will be arrested and ran through the system and incarcerated, yet the next crime was never prevented. The drug addict (who created a victim) will get sentenced to a 3 month drug treatment program and the drug dealer will get 10 years. The drug addict will reoffend immediately and repeatedly, creating more victims. As the addict continues to seek his drugs new entrepreneurs will step in to fill the demand, creating the next round of prison inmates. This one criminal causing actual damage and loss will cause hundreds to be punished for his actions, while skirting responsibility with short prison stints (in which he remains high the entire duration) and returns to the streets to further offend.

Although this concept may be wild and insane to my readers, I have spent an abundant amount of time surrounded by felons and convicts. I can clearly see the difference between people who make questionable livings from those who are addicted and those who are depraved and sick. A court appointed interviewer cannot expect to see someone's true self in a 15 minute interview; nor can a judge or prosecutor who never met an offender possibly form an accurate opinion of an offender in their limited court interactions. A police officer, who now needs to have educational credentials and must lack street smarts so as to be conceived as "incorruptible" most certainly cannot. Our federal agents are often time over educated and unfit for the positions they serve. Yet, they all make the judgement call of who is "good" and who is "bad". By reducing the amount of people who walk through the revolving door that is the American Justice system each year all can focus on the individual who comes before them and address why, while serving true justice, saving money, and reducing crime.

I do not claim to have all the answers, this is merely my take on the situation. I also do not intend to fix the entirety of the problems with crime, the police, the feds, courts, probation and prisons in a several thousand word essay. However, I do feel this concept is a start of a blueprint to something greater. By taking a serious look at why what we are doing is failing and how we may be able to properly fix it should be of concern to us all. I believe my concept will actually protect communities, save lives, forces people who need help to get it, in addition to delivering a blow to organized crime, gangs and cartels all while saving the US taxpayer tremendous amounts of money.

This nation is supposed to be the "Land of the Free". As such we should not be living subservient to the forces of our government. As a people our tax burden should be lighter, our freedoms guaranteed, and our prison systems less crowded by men and women who make "questionable" livings; while those who prey on others are free to roam. 'We the People' need to shift our focus onto those who truly deserve it and utilize the full weight of the system in bringing them to justice, punishing and rehabilitating them, and protecting the vulnerable to prevent further victims from being created.

Note: Please accept my apologies for my rough format and several penned in corrections. I am working with very limited resources and tried my best to make this essay as reader friendly as possible despite my lack of proper typing software.

R/S

Jonathan Cuneey

Jonathan Cuneey
"The land of the free"